UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF WEST VIRGINIA

AT MARTINSBURG

DOUGLAS N. GAER, Individually and on Behalf of All Others Similarly Situated, Plaintiff, vs. AMERICAN PUBLIC EDUCATION, INC., et al., Defendants.	No. 3:10-cv-00081-JPB CLASS ACTION The Honorable John Preston Bailey PLAINTIFFS' STIPULATION AND [PROPOSED] ORDER TO APPOINT LEAD PLAINTIFF AND TO APPROVE LEAD PLAINTIFF'S SELECTION OF LEAD AND LIAISON COUNSEL

WHEREAS, on August 12, 2010, Douglas Gaer ("Gaer") filed this class action against defendants American Public Education, Inc. ("APEI" or the "Company") and certain officers and directors of the Company (collectively, "defendants"), alleging violations of the federal securities laws;

WHEREAS, on August 13, 2010, less than 20 days after the filing of this action, pursuant to 15 U.S.C. §77u-4(a)(3)(A)(i), Gaer caused a notice to be published on "a widely circulated national business-oriented wire service," advising members of the purported class of, *inter alia*: (1) the pendency of the action; (2) the claims asserted therein; (3) the purported class period; and (4) that, not later than 60 days after the date on which the notice was published, any member of the purported class had the right to move the Court to serve as lead plaintiff of the class;

WHEREAS, the time period in which class members may move to be appointed lead plaintiff herein under 15 U.S.C. §78u-4(a)(3)(A) and (B) expired on October 12, 2010;

WHEREAS, on October 12, 2010, putative class member City of Miami Fire Fighters' and Police Officers' Retirement Trust (the "Retirement Trust"), pursuant to §21D of the Securities Exchange Act of 1934 (the "Exchange Act") and 15 U.S.C. §78u-4(a), filed a motion seeking appointment as lead plaintiff, and approval of its selection of Robbins Geller Rudman & Dowd LLP ("RGRD") as lead counsel and Steven F. White PLLC as liaison counsel in this action;

WHEREAS, no other putative class member filed a motion to be appointed as lead plaintiff;

WHEREAS, on October 29, 2010, Gaer filed an opposition to the Retirement Trust's motion for appointment as lead plaintiff and requested that the Court appoint him as lead plaintiff;

WHEREAS, Gaer and the Retirement Trust understand the importance of supervising and monitoring the case, and have determined that in order to best protect the interests of the class, it would be more efficient to propose a joint prosecution of this matter rather than to proceed with seeking lead plaintiff status individually. As a result, the Retirement Trust and Gaer have reached an agreement for their joint appointment as lead plaintiff;

WHEREAS, the Retirement Trust and Gaer have selected Robbins Geller to serve as Lead Counsel for the class, and Steven F. White PLLC to serve as Liaison Counsel for the class;

IT IS HEREBY STIPULATED AND AGREED, by the parties, through their undersigned counsel, as follows:

1. The Retirement Trust and Gaer shall be appointed Lead Plaintiff for the class, pursuant to §21D(a)(3)(B) of the Exchange Act, 15 U.S.C. §78u-4(a)(3)(B);

2. RGRD will serve as Lead Counsel for the class, pursuant to §21D(a)(3)(B)(v) of the Exchange Act, 15 U.S.C. §78u-4(a)(3)(B)(v), and Steven F. White PLLC will serve as Liaison Counsel;

3. This Order shall apply to this action and to each case that relates to the same subject matter that is subsequently filed in this Court or is transferred to this Court and is consolidated with the consolidated action.

DATED: November 8, 2010

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[Proposed] Liaison Counsel

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DATED: November 8, 2010

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Additional Counsel for Plaintiff
Douglas N. Gaer

* * *

O R D E R

IT IS SO ORDERED.

DATED:______________________

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THE HONORABLE JOHN PRESTON BAILEY
UNITED STATES DISTRICT CHIEF JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on November 8, 2010, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on November 8, 2010.

s/ STEVEN F. WHITE
STEVEN F. WHITE

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Mailing Information for a Case 3:10-cv-00081-JPB

Electronic Mail Notice List

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Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

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